

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-47933

In re:

Douglas J. Peterson,

Debtor.

**NOTICE OF HEARING AND MOTION
FOR TURNOVER OF PROPERTY**

TO: The Debtor above-named and her attorney,

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:30 a.m. on November 10, 2004 Courtroom No. 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later November 5, 2004 which is 3 days before the above date (excluding Saturdays, Sundays and holidays) or file and served by mail not later than November 1, 2004 which is 7 days before the time set for hearing (excluding Saturdays, Sundays and holidays) in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and Local Rule 6072-1

4. The petition commencing this Chapter 7 case was filed on November 11, 2003. The case is now pending in this Court.

5. The Trustee has demanded payment from the Debtor of a bank account balance of \$836.51, and \$571.30 in unpaid pre-petition earnings which are property of the estate, and which amounts total \$1,407.81. The Trustee has not received a payment from the Debtor.

WHEREFORE, the Trustee requests an order of the court:

1. Ordering the Debtor to turnover to the Trustee the sum of \$1,047.81 within 7 days from the date of the entry of this order.

FULLER, SEAVER & RAMETTE, P.A.

Dated: October 18, 2004

By: /e/ Randall L. Seaver
Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Douglas J. Peterson, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on October 18, 2004

/e/ Randall L. Seaver
Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-47933

In re:

Douglas J. Peterson,

UNSWORN CERTIFICATE OF SERVICE

Debtor.

I, Kari L. Fogarty, declare under penalty of perjury that on October 18, 2004, I mailed a copy of the following documents:

1. Notice of Hearing and Motion for Turnover of Property; and
2. Order (proposed)

by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Douglas J. Peterson
17003 Hwy. 65 NE
Ham Lake, MN 55304

Richard J. Pearson
Prescott & Pearson, P.A.
P.O. Box 120088
New Brighton, MN 55112

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

FULLER, SEAVER & RAMETTE, P.A.

Dated: October 18, 2004

By: /e/ Kari L. Fogarty
Kari L. Fogarty
Legal Secretary
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-47933

In re:

Douglas J. Peterson,

Debtor.

ORDER

This matter came on for hearing before this court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein., and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. Within seven (7) days from the entry of this Order the Debtor shall turnover to the Trustee the sum of \$1,047.81.

BY THE COURT:

Dated: _____, 2004

Nancy C. Dreher
U.S. Bankruptcy Judge